

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANGELA R. PACE,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

CASE NO. 15-cv-05419 JRC

ORDER GRANTING STIPULATED
MOTION TO REMAND PURSUANT
TO SENTENCE FOUR OF 42
U.S.C. § 405(g)

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Judge Rule MJR 13. (*See also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 5; Consent to Proceed Before a United States Magistrate Judge, Dkt. 6.) This matter is before the Court on defendant's stipulated motion to remand the matter to the Acting Commissioner for further consideration (Dkt. 16.)

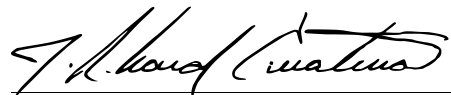
After reviewing defendant's stipulated motion and the remaining record, the Court grants defendant's motion, and reverses and remands this matter to the Acting Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

1 Based on the stipulation of the parties, it is ORDERED that the Commissioner's decision
2 in regard to plaintiff's application for disability insurance benefits and supplemental security
3 income under Titles II and XVI of the Social Security Act be REVERSED and REMANDED to
4 the Commissioner of Social Security for a *de novo* hearing before an administrative law judge
5 (ALJ) and a new decision. On remand, the ALJ will reassess at step three whether or not
6 plaintiff meets or equals Listing 12.05(C). If the ALJ's sequential evaluation proceeds beyond
7 step three, the ALJ will reweigh Dr. Eather's opinion, either adopting all limitations he assessed
8 or providing legally sufficient reasons for discounting them; the ALJ will evaluate and weigh all
9 evidence and medical opinions in accordance with the applicable laws and regulations; the ALJ
10 will reassess plaintiff's credibility; and the ALJ will continue with the remaining steps of the
11 sequential evaluation process. No finding of the ALJ will be specifically affirmed.

12 The parties agree that plaintiff is entitled to reasonable attorney fees and costs pursuant to
13 28 U.S.C. § 2412, following proper request to this Court.

14 Given the facts and the parties' stipulation, the Court hereby orders that the case be
15 **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

16 Dated this 23rd day of February, 2016.

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18 J. Richard Creatura
19 United States Magistrate Judge
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